

FILED  
IN CLERK'S OFFICE  
U.S. DISTRICT COURT E.D.N.Y.

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

★ JUL 08 2024 ★

LONG ISLAND OFFICE

Mary Ann Maltese

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

-against-

Trade Bets Company

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

Complaint for a Civil Case

Case No. CV 24 4736

(to be filled in by the Clerk's Office)

Jury Trial:

☒ Yes ☐ No  
(check one)

KOVNER, J

BLOOM, M.J.

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JUL 8 '24 PM 3:56

**The Parties to This Complaint****A. The Plaintiff(s)**

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name Maryann Maltse  
 Street Address 19 Rhyer Drive  
 City and County Enniscorthy, NY 11731  
 State and Zip Code \_\_\_\_\_  
 Telephone Number 631-644-5785  
 E-mail Address Maryannmaltsewood@gmail.com

**B. The Defendant(s)**

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. For an individual defendant, include the person's job or title (if known). Attach additional pages if needed.

**Defendant No. 1**

Name \_\_\_\_\_  
 Job or Title TRADER Joes Corporation  
 (if known) \_\_\_\_\_  
 Street Address 800 S. Shamrock Avenue  
 City and County Morrovia, California 91017-7149  
 State and Zip Code \_\_\_\_\_  
 Telephone Number \_\_\_\_\_  
 E-mail Address \_\_\_\_\_  
 (if known) \_\_\_\_\_

**Defendant No. 2**

Name \_\_\_\_\_  
 Job or Title \_\_\_\_\_  
 (if known) \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and County \_\_\_\_\_

State and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known)

Defendant No. 3

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known)  
Street Address City \_\_\_\_\_  
and County State \_\_\_\_\_  
and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known)

Defendant No. 4

Name \_\_\_\_\_  
Job or Title \_\_\_\_\_  
(if known)  
Street Address City \_\_\_\_\_  
and County State \_\_\_\_\_  
and Zip Code \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
E-mail Address \_\_\_\_\_  
(if known)

**II. Basis for Jurisdiction**

Federal courts are courts of limited jurisdiction (limited power). Generally, only two types of cases can be heard in federal court: cases involving a federal question and cases involving diversity of citizenship of the parties. Under 28 U.S.C. § 1331, a case arising under the United States Constitution or federal laws or treaties is a federal question case. Under 28 U.S.C. § 1332, a case in which a citizen of one State sues a citizen of another State or nation and the amount at stake is more than \$75,000 is a diversity of citizenship case. In a diversity of citizenship case, no defendant may be a citizen of the same State as any plaintiff.

What is the basis for federal court jurisdiction? (check all that apply)

☒ Federal question

☐ Diversity of citizenship

Fill out the paragraphs in this section that apply to this case.

**A. If the Basis for Jurisdiction Is a Federal Question**

List the specific federal statutes, federal treaties, and/or provisions of the United States Constitution that are at issue in this case.

TRADER DOES federal FDA Rules of adding metal to  
vegan food products violations in manufacturing & distribution +  
Public Safety larger than metal fragments 0.3 inch (7mm-25mm)  
is unacceptable if found in any food products 21 USC 331

**B. If the Basis for Jurisdiction Is Diversity of Citizenship** Sec. 335, 428, Chapter 2 2008  
TRADER DOES Cells the metal-casting, its a violation USBP.  
of Federal Rule Chapter 20.

1. The Plaintiff(s)

a. If the plaintiff is an individual

The plaintiff, (name) Maryann Malter, is a citizen of the State of  
 (name) NY.

b. If the plaintiff is a corporation

The plaintiff, (name) TRADER DOES, is incorporated under the  
 laws of the State of (name) California + NY, and has its  
 principal place of business in the State of (name)  
California.

(If more than one plaintiff is named in the complaint, attach an additional page  
 providing the same information for each additional plaintiff.)

2. The Defendant(s)

a. If the defendant is an individual Corporation

The defendant, (name) Trader DOES, is a citizen of the State  
 of (name) California. Or is a citizen of (foreign nation)  
 \_\_\_\_\_.

## b. If the defendant is a corporation

The defendant, (name) TRADER DOES, is incorporated under the laws of the State of (name) California, and has its principal place of business in the State of (name) California & MS. Or is incorporated under the laws of (foreign nation) \_\_\_\_\_, and has its principal place of business in (name) \_\_\_\_\_.

(If more than one defendant is named in the complaint, attach an additional page providing the same information for each additional defendant.)

## 3. The Amount in Controversy

The amount in controversy—the amount the plaintiff claims the defendant owes or the amount at stake—is more than \$75,000, not counting interest and costs of court, because (explain): Plaintiff is suing for "rendering in Liebeck v. McDonald's"  
\$1 food ingested made Plaintiff ill—extensive  
injuries based on "constitutional rights" in  
Liebeck v. McDonald's and direct public safety harm  
in placement of metal on "Trader Does Chorizo Vegan  
Sausage".

## III. Statement of Claim

Write a short and plain statement of the claim. Do not make legal arguments. State as briefly as possible the facts showing that each plaintiff is entitled to the damages or other relief sought. State how each defendant was involved and what each defendant did that caused the plaintiff harm or violated the plaintiff's rights, including the dates and places of that involvement or conduct. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

on or before July 4, 2024, I purchased "Trader Does  
Chorizo Vegan Sausage" whereas the manufacturer "Trader  
Does" willfully placed "metal chip" on both ends of  
"Vegan Chorizo" product. This is direct violation  
of USFDA rules of acceptable "metal in food source"

**IV. Relief**

State briefly and precisely what damages or other relief the plaintiff asks the court to order. Do not make legal arguments. Include any basis for claiming that the wrongs alleged are continuing at the present time. Include the amounts of any actual damages claimed for the acts alleged and the basis for these amounts. Include any punitive or exemplary damages claimed, the amounts, and the reasons you claim you are entitled to actual or punitive money damages.

*I'm seeking 1 million dollars compensatory damages,  
1 million - 2.7 million in punitive damages for  
Trade Joes until "distribution" and "manufacturing"  
of metals known to cause death in humans.*

*I experienced blood & stool, headache, nausea, diarrhea  
for 3-4 hours. Heavy metals in food is just violation of Chapter  
20 USFPA Rules*

**V. Certification and Closing**

Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of my knowledge, information, and belief that this complaint: (1) is not being presented for an improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation; (2) is supported by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law; (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and (4) the complaint otherwise complies with the requirements of Rule 11.

**A. For Parties Without an Attorney**

I agree to provide the Clerk's Office with any changes to my address where case-related papers may be served. I understand that my failure to keep a current address on file with the Clerk's Office may result in the dismissal of my case.

Date of signing: July 8, 2024

Signature of Plaintiff

Mary Ann Mettles

Printed Name of Plaintiff

Mary Ann Mettles